Board of Selectmen Regular Meeting Minutes of December 1, 2014

I. Call to Order

Chairman Kowalski called the Regular Meeting of the Board of Selectmen to order at 7:02 P.M. in the Board of Selectmen's Room in the Town Offices. Present from the Board of Selectmen: Paul Salafia-Y, Alex Vispoli-Y, Brian Major-Y, Mary O'Donoghue-Y, and Dan Kowalski-Y. Also present: Town Manager Buzz Stapczynski and Town Counsel Tom Urbelis. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

Chairman Kowalski led the meeting in a Moment of Silence and Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager thanked all of our Andover Firefighters for sponsoring the wonderful Holiday Parade this weekend. Sunday marked the 60th year of the Holiday Parade and it was a terrific day of celebration which included the Andover downtown merchants who kept their shops open until 6:00 P.M.

A workshop on how to hold a public hearing will be held on Wednesday, December 3rd at 7:00 P.M. and is open to the public. On Friday, December 5th the Retirement Board will meet in the Town Offices and the Board of Selectmen will be attending the meeting.

Congratulations to our CIO of Information Technology, Paul Puzzanghera on receiving the Town-School Consolidation Award from the Massachusetts State-wide Information Technology Organization. The award will be presented to the Board of Selectmen by Mr. Puzzanghera

Brian Major mentioned hearing from a few residents who participated in the Senior Tax Program for many years but were not able to be here during the sign-up period this year, and would like to continue their participation. Mr. Major also recognized Andover Youth Services for the holiday scene they painted on the town snowplow for the parade. AYS donated the Christmas tree located on Main Street in the courtyard at TD Bank from their Tree Lot at the Skate Park behind West Middle School.

IV. <u>Citizens Petitions and Presentations</u>

A. Fire Chief Michael Mansfield

Chief Mansfield recognized Andover EMT-Firefighters, Guy Oteri and Ryan Flannigan, who along with medics from Lawrence General Hospital responded to a 911 call on September 27th from Mr. Damaris. Their swift response and actions contributed to saving Mr. Desmarais life and in appreciation Mr. & Mrs. Desmarais donated a gift of \$125,000 to the Town of Andover for use towards a new ambulance. Mr. & Mrs. Damaris have also thanked Lawrence General Hospital and the Leahy Clinic with a monetary give as well. On behalf of the Board of Selectmen and the Town of Andover

IV. <u>Citizens Petitions and Presentations (Cont'd)</u>

Chairman Kowalski thanked Mr. & Mrs. Damaris for their generous donation. He is happy Mr. Damaris is here with us this evening and is very proud of the Andover Fire and Rescue team.

B. <u>Skating Rink in Park</u>

Selectman Salafia moved that the Board of Selectmen approve the request of Ted Teichert and the Division of Community Services (DCS) to construct a skating rink in The Park, 36 Bartlett St, for the 2014-2015 Winter Season. The Skating Rink will be the same size and in the same location as last year. The motion was seconded by Alex Vispoli and voted 4-0 to approve.

C. <u>Bridges at Andover, Lowell Street</u>

Attorney Heather Lauten shared the concerns of many residents relative to the two large scale assisted living projects being proposed for development in high density residential areas (Lowell Street and Elm Street), and inaccordance with the Town By-laws, there is not sufficient acreage for the development proposed for Strawberry Hill Farm on Lowell Street Mr. Tony Zuena of 20 Windemere Drive noted that this project grossly misaligns with the Town's Master Plan including 21 prohibitive uses for development of property in watershed overlay districts that this project presents. The location is an area that provides additional protection to our water supply at Haggetts Pond. Mr. Zuena asked the Conservation Commission to look at the site and they are quite confident there are wetlands issues to be addressed. Mr. Zuena presented the Town Manager with six copies of the report they plan to file.

Candace Martin of Rock O'Dundee Road spoke about the hazardous conditions at 2-6 Dufton Road and additional safety concerns to the neighborhood after the site inspection revealed tents filled with propane tanks, canisters, and all sorts of flammable hazards including electrical violations. This is no longer just an 'eyesore', it is a safety concern. Ted Teichert of 5 Dufton Road said there are two young children living in the home and he wants to know what can be done in light of the new discoveries. Attorney Urbelis said the inspection was ordered by the judge, pictures were taken and there is a status conference with the judge scheduled for next week to authorize him to do what we have requested. The Town Manager will advise the Fire Chief of the situation to make sure he understands the urgency of the situation.

Bob Pokkress of Cherrywood Circle asked that the Board of Selectmen and others to stop referring to last year as a tax cut because the Town did not spend up to the levy limit, it wasn't a cut.

Mary Carbone of 3 Cyr Circle is pleased to see so many residents coming out to speak at the Selectmen's meetings.

V. Continued Public Hearings from November 24th

A. <u>FY-2015 Tax Classification</u>

The Board continued their discussion on the options presented for the FY-2015 Tax Classification and voted the following:

Selectman Major moved that the Board of Selectmen adopt a Residential Factor of 885.480. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

Selectman Major moved that the Board of Selectmen adopt a Discount Factor of 0% for all land identified as Open Space. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

Selectman Major moved that the Board of Selectmen adopt a determination of a Residential Exemption Factor of 0%. The motion was seconded by Selectman O'Donoghue and voted 5-0 to approve.

Selectman Major moved that the Board of Selectmen adopt a determination of a Commercial Exemption Factor of 0%. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

VI. Regular Business of the Board

A. Street Lights

Municipal Services Director Chris Cronin presented a summary of information on the street lights that were turned off in 2010. Of the 1,776 lights across Town 667 were shut off leaving 1,109 lights at a savings range of \$48 to \$536 per light depending on the type of light – saving about \$528,000 over a 5 year period. The Board of Selectmen adopted a policy in 1987 listing the criteria for street lights to be provided. Safety Officer Charles Edgerly reviewed the incident statistics for vandalism and car accidents over the last five years which have decreased or were unchanged. The cost to turn the lights back on is approximately \$123,517 for FY-16 plus an additional one-time turn on fee from National Grid. Municipal Services is investigating LED Technology lights which would decrease the cost providing a long-term overall savings.

Residents spoke about safety factors and urged the Board to turn them all on. Greg Sebasky said many lights could be motion activated and more cost effective. Mr. Roli talked about the dangers of joggers and walkers in the dark, Brad Weeden asked if there is an environmental cost and suggested turning off all downtown lights except at intersections. Chris Cronin will get a cost estimate from National Grid to turn on all the lights and report back to the Board.

B. FY-2016 Tax Levy

The Town Manager sent a memo to the Board of Selectmen concerning the tax levy and the rules and responsibilities he and the Board each play in establishing a budget and expenditure budget. The Board can direct the Town Manager to provide a tax levy as they see fit, but Section 15 of the Town Charter states that the Town Manager's

VI. Regular Business of the Board (Cont'd)

Recommended Budget to be provided by X-date and he provides a detailed explanation of appropriations and that the Town Manager also report on the probable amount to levy to defray all of the proposed liabilities of the Town. This is what he builds into his recommended budget every year – the Town Manager's Recommended Budget. Mr. Stapczynski feels it is his responsibility as Town Manager to present a recommended budget that shows appropriations for all departments and for the Board of Selectmen and Finance Committee to discuss and adjust as they see fit.

Selectman Vispoli wants to make the same motion as last year which was to start the budget \$1.1M less than the Town Manager's Recommended Budget. Chairman Kowalski said the savings last year came from \$500K in Health Care Savings and \$600K in reductions (\$400K from the School budget and \$200K from Town budgets). The Town Manager said their \$200K in savings came from reductions of positions, reduction from street lights turned off, solid waste expense reduction, and a reduction in supply accounts.

Selectman Vispoli moved that the Board of Selectmen instruct the Town Manager to build the FY-16 Budget starting at a \$1.1M reduction level from last year.

The Board discussed the motion. Brian Major wants to hear the full budget conversation and then come back to the decision proposed. Mary O'Donoghue said it makes sense in looking at future large projects, to grow excess levy capacity; this year they are looking at \$1.8M of excess levy. The Town Manager pointed out that this will be the third year they have put aside \$1M for the Ledge Road Landfill Project and using \$1.1M of the levy to reduce the OPEB liability schedule from 2040 to 2030 – saving the taxpayers \$140M.

Brian Major said they have been doing a lot more with a lot less and with the same number of employees over the last ten years. He suggests increasing the Stabilization Fund to use as an asset for later, address the pension liabilities, and not spend all the money on the Operating Budget. He suggests amending the motion to not spend the \$1.1M on operating expenses.

Chairman Kowalski said the Town has the opportunity to slow down the rate of growth in retirement, and they need to make decisions to slow down the rate of growth.

Selectman O'Donoghue would second Selectman Vispoli's motion.

Joanne Marden (Finance Committee) pointed out that the excess levy capacity is really \$1.93M— the last \$800,000 we did not know about until recently; even after taking the budget number from the CIP Report there would still have an excess levy of almost \$1.1M.

Joel Blumstein (School Committee) suggests a vote on Selectmen Vispoli's motion is premature. The agenda says "discuss", not voting and not all of the information is on the table to fully consider the motion. Information on the requests of the Town and School have to be vetted, citizens need to weigh-in with appropriate information on needs. He suggests the Board of Selectmen hold on this vote and discuss with the School Committee.

Town Counsel Tom Urbelis said the Board can vote if they please even if it is not listed on the agenda as such. The Board can request the Town Manager prepare for the Board an analysis of what the budget would look like if the vote is carried but the Town Manager does not have to say it is 'the Town Manager's Budget'. He has the responsibility to put forth the 'Town Manager's Budget', if he doesn't want to, he doesn't have to. The Board can request the Town Manager build a budget with 'x' parameters as an exercise for the Board to analyze. The Town Manager said the budget taken to Town Meeting has always been the Board of Selectmen and Finance Committee's number and their decision is what goes into the Finance Book for Town Meeting.

Public comment:

Bob Pokkress, Cherrywood Circle said the Town is looking at a 4.1% plus increase in taxes this year. The senior population can't sustain a continued tax increase of this size and he would like to see them hold back \$1.1M. Anything that can be done to keep the levy limit down is appreciated. Mike Roli of College Circle, said the Town Manager, Board of Selectmen, Retirement Board, School Committee, and Planning Board all have an obligation to residents to hold down expenses and taxes. Greg Sebasky thinks the long-term liabilities need to be addressed now and they should tax to the levy limit every year putting the money into liabilities. The Town needs to show leadership and continue to attract new employers.

Brian Major does not want to spend \$1.1M on the operating budget but he does not want the Board to demand the Town Manager build his budget that way. Paul Salafia believes \$1.1M or more to be sacred, and should not be used for operating expenses. Dan Kowalski wants to preserve the \$1.1M and to change the motion from 'instruct' to 'request'.

Selectman Vispoli motioned the Board of Selectmen request the Town Manager to build the FY-16 Budget starting at the \$1.1M reduction level from last year. The motion was seconded by Mary O'Donoghue and voted 5-0 to approve.

C. North Reading Intermunicipal Water Agreement

The Town Manager received correspondence from North Reading regarding the Intermunicipal Water Agreement and their Board of Selectmen will discuss at their meeting tonight. Alex Vispoli and Dan Kowalski will serve as sub-committee members.

VI. Regular Business of the Board (Cont'd)

D. Future Meeting Dates

The Board agreed to set future meeting dates: January 5th, and 26th, February 2nd, 9th, 23rd and 28th, March 2nd, 7th, 9th, 11th, 16th, 23rd, 25th, and 30th, and April 6th and 27th. A Triboard Meeting is scheduled for December 8th.

VII. Water and Sewer Commissioners

Public Health Director, Tom Carbone reported that Merrimack College and consultants have made a request to remove a sewer line and replace it on their own property but this this request is not related to the new Dormitory Project.

Selectman Vispoli moved that the Board of Selectmen convene as Water & Sewer Commissioners. The motion was seconded by Brian Major. Roll call: B. Major-Y, A. Vispoli-Y, M. O'Donoghue-Y, P. Salafia-Y, and D. Kowalski-Y.

Mr. Schwartz representing Merrimack College, said the request is not related to the dormitory expansion, their proposal is to relocate a sewer line that goes thru the dorm project area that will run parallel with the drain line feed in the Andover System until the North Andover connection is completed in the spring. They will fix the current pipe in the Austin Field site and current academic buildings and dorms will convert to the new pipe feeding into North Andover and then they will be abandoning the current connection. He said Merrimack issued a report in July of 2015 to address the sewer line problems.

Municipal Services Director Chris Cronin said they have had problems with this line for years and although Merrimack has stonewalled them and have not been as cooperative as hoped, he is pleased with the proposal presented and satisfied it will take care of the immediate needs.

Chairman Kowalski would like to see a comprehensive plan addressing the issues and any other information available, as well as a report from our Municipal Services Department. As this is a first reading, no vote will be taken. A second reading will be scheduled.

Selectman Major moved that the Water & Sewer Commissioners adjourn back to Board of Selectmen. The motion was seconded by Selectman Vispoli. Roll call: B. Major-Y, A. Vispoli-Y, M. O'Donoghue-Y, P. Salafia-Y, and D. Kowalski-Y.

VIII. All Other Business - None

IX. Consent Agenda

A. Change of Manager

Selectman Major motioned to approve the request of the Courtyard by Marriot Hotel, 10 Campanelli Drive, for a change of Manager on their All-Alcoholic Inn Holder License. The new Manager of record will be Mildre Gonzalez. The request has been reviewed

IX. Consent Agenda (Cont'd)

A. <u>Change of Manager (Contd)</u>

and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

B. <u>Appointments and Re-appointments</u>

On a motion by selectman Salafia and seconded by Selectman Vispoli, the Board voted 5-0 that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
POLICE DEPARTMENT			
Rebecca Bibeau Brittney Hewett	Matron –PT Matron -PT	On-Call-\$18.00/hr. On-Call-\$18.00/hr.	, ,
DEPARTMENT OF COMMUNITY SERVICES			
Dillon Aisenberg	Basketball Coach-PT	C2A/\$8.00	11/24/14
Thomas Atkins	Basketball Referee-P	T C2A/\$8.00	11/26/14
Alex Dalton	Basketball Referee-P	T C2A/\$8.00	11/26/14

X. <u>Approval of Minutes from Previous Meetings</u>

On a motion by Selectman Major and seconded by Selectman Vispoli, the Board vote 5-0 to approve the Minutes of the November 3, 2014 Regular Meeting as presented.

XI. Adjournment

At 10:32 P.M. on a motion by Selectman Vispoli and seconded by Selectman Major the Board unanimously voted to adjourn the Regular Meeting of December 1, 2014.

Respectfully submitted,

Dee DeLorenzo Recording Secretary

Documents: FY-15 Tax Classification Factors

Street Light Summary Report

Report from Anthony Zuena, 20 Windemere Drive regarding the Bridges at

Andover Proposed Development